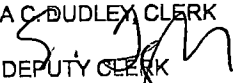


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JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

TROY PETERSON,)	CASE NO. 7:16CV00217
)	
Plaintiff,)	
v.)	MEMORANDUM OPINION
)	
E. BARKSDALE, <u>ET AL.</u> ,)	By: Glen E. Conrad
)	Chief United States District Judge
Defendant(s).)	

Troy Peterson, a Virginia inmate proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging that he is not receiving sufficient nutrition from the prison meals he receives. The court is required to dismiss any claim filed by a prisoner against a governmental entity or officer if the court determines the action or claim is frivolous, malicious, or fails to state a claim on which relief may be granted. 28 U.S.C. § 1915A(b)(1). Peterson names as one of his defendants "the food serves [sic] company" for Red Onion State Prison. Counsel for the other defendants indicates, however, that Red Onion has no food services vendor. (See ECF No. 11.) Accordingly, the court must summarily dismiss without prejudice Peterson's claims against this defendant as frivolous, and the case shall continue only as to the other defendants, all of whom have waived service of process. An appropriate order will enter this day.

The Clerk is directed to send copies of this memorandum opinion and the accompanying order to plaintiff and counsel of record for the other defendants.

ENTER: This 28th day of November, 2016.



Chief United States District Judge